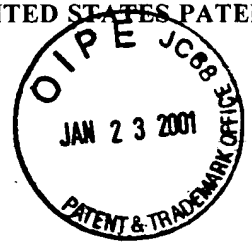
Docket No.: 7675 (3225-034) PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of : **RESPONSE UNDER 37 CFR 1.116**
: **EXPEDITED PROCEDURE**

Boland :

Serial No. 09/086,627 : Group Art Unit: 2153

Filed: May 29, 1998 : Examiner: B. EDELEMAN

For: METHOD AND APPARATUS FOR ALLOCATING NETWORK RESOURCES AND CHANGING THE ALLOCATION BASED ON DYNAMIC WORKLOAD CHANGES

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D. C. 20231

Dear Sir:

Transmitted herewith is an Amendment Under 37 CFR 1.116in the above identified application.
[ ] No additional fee is required.
[x] Also attached: Two months' extension of time

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	13	20	0	x $18 =	0
Independent Claims	4	4	0	x $78 =	0
		If multiple claims newly presented, add $260.00			
		Fee for extension of time			390.00
				TOTAL FEE DUE	**390.00**

[x] Charge credit card (form attached) in the amount of $390.00.

[X] The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment, to Deposit Account No. 07-1337, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP

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Date: January 23, 2001

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#-9/20(c)

Docket No. 7675 (3225-034) PATENT

entered
1-25
3-2-01

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K. Boland :

Serial No. 09/086,627 : Group Art Unit: 2153

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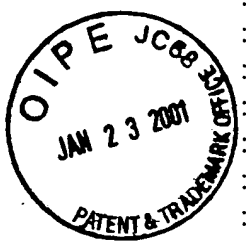

For: METHOD AND APPARATUS FOR ALLOCATING NETWORK RESOURCES AND CHANGING THE ALLOCATION BASED ON DYNAMIC WORKLOAD CHANGES

AMENDMENT
UNDER 37 CFR 1.116

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D. C. 20231

Sir:

This Amendment is in reply to the Final Official Action mailed August 23, 2000 in the subject application. Applicant respectfully requests that the following amendments be entered to place this application in condition for allowance.

AMENDMENT

Please delete claims 6 and 8 without prejudice, and amend claims 1 and 11-13 as follows:

1. (Amended) A method of allocating network resources on a computer network, comprising:

monitoring at least two nodes on the computer network among at least a first process and a second process for allocation of computer resources on each of the at least two nodes;

assigning a priority to each of the at least two processes, the second process being assigned a lower priority than the first process;

for the first process running on at least one of the two nodes, setting a minimum resource allocation for the first process on the at least two nodes independent of the computer resources needed by other processes [and processes] running on the computer network; and

redistributing computer resources on the network so that the first process is provided the minimum resource allocation should insufficient network resources be available.

11. (Twice Amended) An article, comprising:

at least one sequence of machine executable instructions in machine readable form,

wherein execution of the instructions by one or more processors causes the one or more processors to:

(i) monitor at least two nodes on the computer network among at least two processes for allocation of computer resources on each of the at least two nodes; [and]

(ii) assigning a priority to each of the at least two processes, the second process being assigned a lower priority than the first process;

(iii) for a first process of the at least two processes running on at least one of the two nodes, set a minimum resource allocation for the first process on the at least two nodes irrespective of the computer resources needed by other processes [and processes] running on the computer network; and

(iv) redistributing computer resources on the network so that the first process is provided the minimum resource allocation should insufficient network resources be available.

12. (Amended) A computer architecture for switching resource allocation policies on a computer network, comprising:

monitoring means for monitoring at least two nodes on the computer network among at least a first and a second process for allocation of computer resources on each of the at least two nodes; [and]

assigning means for assigning a priority to each of the at least two processes, the second process being assigned a lower priority than the first process;

for the first process running on at least one of the two nodes, setting means for setting a minimum resource allocation for the first process on the at least two nodes independent of the computer resources needed by other processes [and processes] running on the computer network; and

redistributing means for redistributing computer resources on the network so that the first process is provided the minimum resource allocation should insufficient network resources be available.

13. (Amended) A computer system comprising:

a processor; and

a memory coupled to said processor, the memory having stored therein sequences of instructions, which, when executed by said processor, cause said processor to perform the steps of:

monitoring at least two nodes on the computer network among at least a first process and a second process for allocation of computer resources on each of the at least two nodes;

assigning a priority to each of the at least two processes, the second process being assigned a lower priority than the first process;

for the first process running on at least one of the two nodes, setting a minimum resource allocation for the first process on the at least two nodes independent of the computer resources needed by other processes [and processes] running on the computer network; and

redistributing computer resources on the network so that the first process is provided the minimum resource allocation should insufficient network resources be available.